

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FAIR HOUSING CENTER OF  
WASHINGTON,

Plaintiff,

v.

BREIER-SCHEETZ PROPERTIES, LLC, a  
Washington corporation; and FREDERICK  
BREIER-SCHEETZ, an individual,

Defendants.

No. 2:16-cv-00922-TSZ

DECLARATION OF JESSE WING IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES AND COSTS

I, Jesse Wing, declare as follows:

I am one of the attorneys for Plaintiff Fair Housing Center of Washington. I am over the age of 18, and am competent to testify.

**A. Qualifications, Experience, and Rates of Plaintiff's Counsel**

1. **Jesse Wing.** I have been licensed to practice law since my admission to the Wisconsin Bar in 1991—twenty-six years ago. I was admitted to the Illinois Bar in 1993 and the Washington Bar in 1998.

2. I am a graduate of Oberlin College (B.A. 1987) and the University of Wisconsin-Madison School of Law (J.D. 1991).

3. From 1991 through 1992, I was employed as a judicial law clerk by the United States District Court for the District of Maine in Portland, Maine. In 1993, I began practicing as a civil rights attorney in Chicago, Illinois at Kinoy, Taren, Geraghty & Potter, specializing in fair

DECLARATION OF JESSE WING IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES AND COSTS - 1

No. 2:16-cv-00922-MAT  
10017.04 ki218503.003

MACDONALD HOAGUE & BAYLESS  
705 Second Avenue, Suite 1500  
Seattle, Washington 98104  
Tel 206.622.1604 Fax 206.343.3961

1 housing, employment discrimination, and civil rights law. Continuing my practice in these areas,  
 2 in 1998 I moved to Seattle and opened West & Wing, a law practice where I was a partner. I I  
 3 joined MacDonald Hoague & Bayless in 2001.

4 4. I have been counsel of record on behalf of numerous individual and  
 5 organizational clients in fair housing, employment, First Amendment, public accommodation,  
 6 civil rights, and other types of cases before the superior and appellate courts of Washington; the  
 7 state courts of Illinois and Wisconsin; the U.S. District Courts for the Western and Eastern  
 8 Districts of Washington, the District of Oregon, the District of Montana, the Northern District of  
 9 Illinois; the Ninth and Seventh U.S. Circuit Courts of Appeals; and the U.S. Supreme Court.

10 5. I have also been and currently am counsel in various fair housing, employment,  
 11 civil rights, First Amendment, and ERISA individual and class action cases. A few examples  
 12 include: *Blackburn v. State*, 186 Wn.2d 250, 375 P.3d 1076 (2016) (establishing precedent that  
 13 WLAD prohibits racial staffing even in state psychiatric hospital without proof of an adverse  
 14 action); *Fielder v. Sterling Park Homeowners Ass'n*, 914 F. Supp. 2d 1222, 1224 (W.D. Wash.  
 15 2012) (denying motion to dismiss Fair Housing Act and WLAD claim against neighbors); *Smith*  
 16 *v. Brown*, No. C10-1021 MJP, 2010 WL 3120203 (W.D. Wash., Aug. 9, 2010) (granting  
 17 preliminary injunction under Fair Housing Act and WLAD not to evict disabled residents of  
 18 adult family home); *Hubley v. CIC Corp.*, No. C02-5566 FDB (W.D. Wash. 2005) (ordering 5-  
 19 year consent decree against landlord and payment of \$925,000 to plaintiffs for race and family  
 20 status housing discrimination under WLAD and Fair Housing Act); *Nevels v. Western World Ins.*  
 21 *Co., Inc.*, 359 F. Supp. 2d 1110 (W.D. Wash. 2004) (establishing that Fair Housing Act prohibits  
 22 discriminatory denial of professional malpractice insurance to class of 1,000 plus group homes);  
 23 *Clairmont v. Sound Mental Health*, 632 F.3d 1091 (9th Cir. 2011) (reversing summary judgment  
 24 for employer and remanding for trial retaliation claim brought under First Amendment); *Prison*  
 25 *Legal News v. Lehman*, 397 F.3d 692 (9th Cir. 2005) (affirming permanent injunctions under  
 26 First Amendment against government censorship); *Prison Legal News v. Columbia Cnty.*, 942 F.  
 27 Supp. 2d 1068 (D. Or. 2013) (permanently enjoining government censorship under First

Amendment); *Prison Legal News v. Spokane County*, 2011 WL 4073615 (E.D. Wash., Aug. 3, 2011) (consent decree under the First Amendment permanently enjoining government censorship); *Gallo v. Amoco Corporation*, 102 F.3d 918 (7th Cir. 1996) (\$122 million ERISA class action on behalf of 18,000 employees); *Johnson v. Reno*, Civ. No. 93-0206 TFH (D.D.C. 1994) (employment discrimination action on behalf of the class of all African-American FBI agents, resolved by consent decree).

6. I am a member of the Washington State Bar and have presented at numerous CLEs in Washington on fair housing, employment, fiduciary duties, ethics, probate litigation, and civil rights matters.

7. For three years (2004–2007), I served as the Chairman of the Washington Employment Lawyers Association (WELA). I have served on WELA’s Board of Directors for the fourteen years. I am co-chair of WELA’s legislative committee. I have served on its amicus committee and I have filed amicus briefs on WELA’s behalf in federal and state courts. For many years, I co-authored WELA’s newsletter summarizing all published Washington and Ninth Circuit Court of Appeals opinions, including those ruling on the fee petitions for a prevailing plaintiff.

8. From 2008 through 2013, I served as the President of the American Civil Liberties Union of Washington. I have served on its Board of Directors for nineteen years. I have filed amicus briefs in the federal and state courts on behalf of the ACLU and served as a cooperating attorney in *pro bono* litigation for the organization.

9. I authored a lengthy chapter in the *Washington Civil Rights Deskbook* on “Fair Housing” (WSAJ, 2011), which covers the Fair Housing Act, the Washington Law Against Discrimination, and other fair housing laws such as 42 U.S.C. § 1982. I also have authored chapters in the *Washington Employment Law Deskbook* on “Ethics” (WSAJ 4<sup>th</sup> ed. 2017) and “The Tort of Wrongful Discharge in Violation of Public Policy” (WSAJ, 2nd ed. 2009).

10. I am an active member of the Washington State Association of Justice (WSAJ), serve on its Legislative Steering Committee, and have testified on its behalf before the state

1 legislature. I advise WSAJ on legislative issues relating to fair housing, employment, and civil  
2 rights.

3 11. I have presented numerous CLEs on fair housing (including to HUD), free speech  
4 and assembly, the Washington Anti-SLAPP law, employment law, and probate and trust and  
5 estates. At the request of WSAJ, I recently authored a lengthy article on the front page of the  
6 WSAJ *Trial News* entitled "Washington Supreme Court Breathes Life into Wrongful Discharge  
7 Claims" (Nov. 2015), explaining a trio of the Court's opinions all issued on the same day,  
8 resurrecting the tort of wrongful discharge in violation of public policy.

9 12. I am a partner at the law firm of MacDonald Hoague & Bayless in Seattle,  
10 Washington, where I have worked as a lawyer since 2001. With my partners, I am responsible  
11 for regularly setting, reviewing, and adjusting the rates we charge clients for attorney and staff  
12 time on their cases, and which we seek in fee petitions when our clients are prevailing parties  
13 under fee-shifting statutes.

14 13. Through the process of setting our own firm's fees, summarizing every pertinent  
15 employment law and fee petition decisions for WELA, reviewing fee affidavits by other  
16 colleagues over the years, obtaining fee rulings in my own cases and assisting in those of my  
17 partners, and discussing rates with colleagues and clients, I am familiar with the market rates  
18 charged by plaintiffs' attorneys and staff in fair housing, employment, and civil rights litigation  
19 in Washington.

20 14. My standard hourly rate is \$500 which is the rate that I routinely charge clients  
21 who pay hourly and that I charge for work on contingent cases. Numerous clients pay me for my  
22 legal work at this hourly rate. Additionally, last year (2016), the Honorable Sharon Armstrong  
23 (retired) awarded me this rate after my client was the prevailing party in an arbitration hearing of  
24 an employment discrimination case; and this year (2017), the state of Washington paid full  
25 attorney fees at this rate to resolve an employment discrimination case on remand, after the  
26 Washington Supreme Court it entered a judgment on liability. *See Blackburn v. State*, 186  
27 Wn.2d 250, 375 P.3d 1076 (2016). And this is the rate our firm has requested for my time in

DECLARATION OF JESSE WING IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES AND COSTS - 4

1 recently successful litigation before U.S. District Judge Barbara Rothstein, *Thomas v. Cannon*,  
2 case No. 3:15-cv-05346 (W.D. Wash. 2017).

3 15. **Angela Galloway** is a litigation associate at MacDonald Hoague & Bayless,  
4 where she has been employed for nearly two years. From 2012-2016, she worked at Davis  
5 Wright Tremaine, where her practice included employment, intellectual property, privacy, data  
6 security, media law, and numerous First Amendment claims. She routinely updated treatises and  
7 other publications on employment, privacy, and First Amendment law; she co-wrote and co-  
8 presented a CLE seminar on employee privacy, and she helped draft a chapter in the Washington  
9 State Bar Association's Deskbook on the Washington Public Records Act. At the time she left  
10 Davis Wright Tremaine, in 2016, Ms. Galloway's rate was \$325 per hour.

11 16. In early 2016, Ms. Galloway joined MacDonald Hoague & Bayless as a litigation  
12 associate. Since joining the firm, she has helped litigate and resolve a number of employment  
13 law and public records disputes. Her practice also includes administrative and appellate matters.

14 17. Ms. Galloway serves on the planning committee for the Pacific Coast Labor &  
15 Employment Law Conference and the Seattle Intellectual Property Inn of Court. She is a member  
16 of the Board of Directors of the Washington Coalition for Open Government.

17 18. Ms. Galloway graduated from University of Washington School of Law in 2012.  
18 She is admitted to practice in Washington and is a member in good standing of the Washington  
19 State Bar Association. She is admitted to practice in the United States District Court for the  
20 Western District of Washington. She earned her law degree after a career of more than a decade  
21 as an award-winning newspaper journalist. Her writing focused on government, policy, and  
22 investigative reporting, and included ten years at the Seattle Post-Intelligencer and two years at  
23 The Philadelphia Inquirer.

24 19. Ms. Galloway's customary rate at MacDonald Hoague & Bayless remains \$325  
25 per hour, which numerous clients have paid the firm for her work on an hourly basis.

26 20. **Sam Kramer** is a litigation associate at MacDonald Hoague & Bayless. He  
27 graduated from Georgetown University Law Center in 2015. From August 2015 through August

2016, he was employed as a litigation fellow for Katz Marshall & Banks in Washington, D.C., where he represented clients in various stages of civil rights, employment, and whistleblower pre-trial litigation including client intakes, initial consultations, discovery, and settlement. He joined MacDonald Hoague & Bayless in October 2016, and immediately started working on research projects, pre-trial and trial motions for a multi-week employment discrimination trial. Since then, he has worked on several other employment law cases in all stages of litigation, including conducting direct testimony of an expert witness in *Stewart v. Snohomis County Public Utility District No. 1* (W.D. Wash., Aug. 22, 2017), before U.S. District Court Judge John Coughenour, who approved Mr. Kramer's standard hourly rate at \$275—the same rate he requests here.

#### **Fees and Costs**

21. MacDonald Hoague & Bayless represents Plaintiff Fair Housing Center of Washington in this matter on a contingency fee basis.

22. The attorneys and staff employed at MacDonald Hoague & Bayless kept contemporaneous time records of the work performed in connection with this action. **Exhibit 1** is a true copy of the time records after we reviewed, proofread, and supplemented the description of some entries and exercised billing judgment to remove many others.

23. Below is a summary of the time set forth in **Exhibit 1** for each MHB timekeeper's hours expended on this matter and the fees requested for this work. Plaintiff incurred the following attorney's fees in this litigation:

TIMEKEEPER	RATE	HOURS	TOTAL
Jesse Wing	\$500	190.7	\$ 95,350
Angela Galloway	\$325	136.6	\$ 44,395
Sam J. Kramer	\$275	8.6	\$ 2,365
<b>TOTAL</b>			<b>\$142,110</b>

DECLARATION OF JESSE WING IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES AND COSTS - 6



24. Plaintiff incurred the following reasonable expenses in litigating this case, which are also set forth in **Exhibit 1**:

EXPENSE	AMOUNT
Photocopies/Printing	\$ 145.30
Deposition	\$ 395.64
Court Reporter	\$1,493.70
Filing Fee	\$ 400.00
Research Fees	\$ 102.92
Service of Process	\$ 99.00
Parking	\$ 79.45
Expert Witness	\$5,200.00
<b>TOTAL</b>	<b>\$7,916.01</b>

Each of these costs was reasonably necessary for Plaintiff to prosecute this action. Plaintiff incurred deposition costs to depose Defendant Frederick Scheetz, excerpts of which Plaintiff used on summary judgment and at trial, and which the Court relied upon in its rulings. Likewise, Plaintiff incurred the costs of retaining its expert witness, Dr. Avery Mason Guest, whose extensive declaration it presented on summary judgment and on which the Court relied in granting summary judgment. The miscellaneous other costs (filing fee, service of process, parking for trial and the Rule 34 inspection, photocopies of trial exhibits, research fees, etc.) are routinely paid by clients and are recoverable under the Fair Housing Act and the Washington Law Against Discrimination.

25. In addition, MacDonald Hoague & Bayless requests the attorney fees it has incurred preparing this fee motion and supporting documents, which total \$9,700. See **Exhibit 1** hereto.

26. Plaintiff seeks payment of fees at the following hourly rates for MacDonald Hoague & Bayless's attorneys and staff: Jesse Wing, attorney (\$500); Angela Galloway,

1 attorney (\$325); Sam Kramer, attorney (\$275). These are the customary rates that MHB charges  
 2 to hourly clients for these timekeepers.

### 3 **MHB Has Exercised Billing Judgment**

4 27. With some exceptions, when attorneys and staff met to discuss the investigation  
 5 or litigation, one or more attorneys or staff members did not bill for their time; in the vast  
 6 majority of those circumstances, the billing is from the attorney who bills at the lower rate. Also,  
 7 timekeepers frequently exercised judgment on a weekly (and sometimes daily) basis not to bill  
 8 for brief conversations or short emails despite the fact that these actions advanced the Plaintiff's  
 9 case. Additionally, to streamline this petition, MHB has not asked for the time spent by other  
 10 timekeepers who contributed productive work towards the successful outcome of this case.  
 11 These timekeepers whose time MHB is not seeking include very experienced MHB fair housing  
 12 lawyer Jeffrey Taren (\$600 hourly rate) who Plaintiff's counsel Jesse Wing periodically  
 13 strategized with regarding the Fair Housing Act legal issues and legal investigator Troy Locati  
 14 (\$220 hourly rate) who helped locate records about Defendants, including their net worth. At  
 15 times, MHB included associate Angela Galloway in certain litigation activities, such as calls  
 16 with opposing counsel, meetings with FHCW staff, and attending the deposition of the defendant  
 17 but MHB has not included such time in this fee petition. While her involvement in these  
 18 activities was invariably helpful to the case, MHB does not seek recovery for it where such time  
 19 was likewise useful for her development as a lawyer, and the firm has likewise trimmed time  
 20 spent on motions and briefs where it reach the same conclusion. All told, for these reasons,  
 21 MHB is not requesting recovery of more than \$15,000 of time expended on this matter.

### 22 **Fair Housing Center of Washington Earned the Fees Requested**

23 28. Since this fee petition follows the Court's grant of summary judgment and a  
 24 bench trial from which the Court issued injunctive relief, compensatory damages, and punitive  
 25 damages, FHCW will not repeat the merits of its claim. Rather, FHCW will highlight the work  
 26 that it took to achieve the successful outcome.



**Efficient Division of Labor**

29. This litigation was primarily handled by Jesse Wing, with considerable targeted help from associate Angela Galloway. At times, Mr. Wing consulted with Jeffrey Taren for strategic advice because of Mr. Taren's forty-plus years litigating fair housing disputes and representing fair housing organizations in Chicago, Illinois—but whose time MHB is not seeking. Additionally, when Ms. Galloway was not available, Mr. Wing relied on associate Sam Kramer to help prepare the FHCW's reply in support of summary judgment.

**Conducting Discovery**

30. Plaintiff's counsel conducted a lean prosecution of this case. Initially, Plaintiff's counsel reviewed the FHCW's thick investigation file, including testing reports, analysis of the tests, the HUD complaint and supporting documents, correspondence with the Seattle Office of Civil Rights, and documents that the FHCW had collected on the Defendants, and other relevant records. Through a Public Records Act request to the Seattle Office of Civil Rights, Counsel for the FHCW obtained its case file. That thick file contained its interviews of the testers, of the testing coordinator, of Defendant Frederick Sheetz, and of the Defendants' employees, requests for information and responses from Defendants, follow-up by SOCR, conciliation efforts, and other relevant documents.

31. Plaintiff's counsel also spent hours interviewing each of the testers and the testing coordinator of the Fair Housing Center of Washington, as well as its Executive Director and other staff involved in the testing, analysis of testing, and decision-making process.

32. Once in litigation, the Fair Housing Center of Washington issued three sets of written discovery requests to the Defendants. The Defendants' responses were meager, vague, and insufficient. Accordingly, Plaintiff's lawyer wrote to Defense counsel articulating the deficiencies. Counsel for the parties conducted CR 37 conferences. The Defendants supplemented some of its discovery responses but refused to supplement others. For example, the Defendants refused to supply information related to their net worth. Instead of battling for this in discovery, Plaintiff's counsel collected relevant documents of the value of Defendants'

1 real estate properties from county assessors' offices, which FHCW submitted as Trial Exhibits 8  
 2 through 23. MHB relied on its legal investigator Troy Locati to locate these documents and  
 3 other relevant records but is not seeking to recover Mr. Locati's time.

4 33. The FHCW deposed Defendant Frederick Scheetz, and inspected The Granada  
 5 Apartments, including examining several of the studio apartments at issue in this case.

#### 6 Motion Practice

7 34. Five months after serving their Answer, Defendants filed a *Twombly/Iqbal* Rule  
 8 12(b)(6) motion to dismiss, asserting that Plaintiff's claims should be dismissed. Their motion  
 9 argued that the Plaintiff had failed to provide the statistical basis for its disparate impact claims  
 10 in its Complaint, and that Plaintiff would be unable to provide such statistics. Dkt. 16.

11 35. Instead of just responding to the Defendants' untimely for a motion to dismiss,  
 12 Plaintiff's counsel hustled to put together a cross motion for summary judgment on the merits,  
 13 Dkt. 17, which required substantial legal research and extensive work by and with Plaintiff's  
 14 statistical expert, Professor Avery Mason Guest. Dr. Guest's declaration, Dkt. 20-2, was detailed  
 15 and comprehensive. His declaration was 23 pages, single-spaced, and was accompanied by a  
 16 supplemental four-page, single-spaced disparate impact report considering alternatives  
 17 (Appendix B thereto).

18 36. Plaintiff's counsel met with and interviewed the testers and testing coordinator,  
 19 clarifying information for their declarations and securing their signatures for filing with the  
 20 Court. Dkts. 19, 21, 22, and 23.

21 37. In order to protect the integrity of the FHCW testing program and keep the  
 22 identities of the testers confidential so they could continue working as testers, Plaintiff's counsel  
 23 researched and prepared a motion for protective order to that effect, which it filed with  
 24 declarations from counsel and FHCW's Executive Director, Lauren Walker Lee, Dkts. 26, 27,  
 25 and 28. The Court granted the motion. *See* Dkt. 31.

38. In filing its cross motion for summary judgment, Plaintiff's counsel researched and crafted a proposed order outlining reasonable forms of injunctive relief, which the Court ultimately adopted in its Order. Dkt. 58.

39. When it granted summary judgment for Plaintiff, the Court ordered the parties to file supplemental briefing on the injunctive relief requested. After significant research, Plaintiff's counsel filed a brief providing substantial authority in support of the FHCW's proposed relief, Dkt. 43, with exhibits attached to a declaration from counsel, Dkt. 44, and the FHCW's Executive Director, Lauren Walker Lee, Dkt. 45.

#### **Pretrial, Trial, and Post-Trial**

40. Through the Plaintiff's Pretrial Statement, Plaintiff's counsel took the laboring oar in preparing what became the parties' proposed Pretrial Order, Dkt. 52, signed by the Court without modification, Dkt. 55. It took careful preparation of proposed admitted facts, articulation of the legal issues, and negotiation with defense counsel to reach agreement on the proposed order—which facilitated an efficient, orderly trial and obviated the need for the Court to spend time managing the pretrial process and resolving disputes.

41. Similarly, Plaintiff presented a tight, focused Trial Brief, Dkt. 51, and extensive Findings of Fact and Conclusions of Law, Dkt. 53, which the Court significantly adopted.

42. At the instruction of the Court during the Pretrial Conference, Plaintiff's counsel researched, prepared, and submitted a brief on the constitutional due process standards for awarding punitive damages. Dkt. 57.

43. At trial, Plaintiff's counsel presented opening statement that addressed the relief sought, presented direct examination of FHCW Executive Director Lauren Walker Lee, and presented a focused cross examination of Defendant Frederick Scheetz, as well as closing argument. All-in-all, Plaintiff's counsel efficiently and effectively presented the FHCW's case—which necessarily took lots of planning, strategizing, organizing, and thoughtful preparation.

44. After trial, Plaintiff's counsel prepared and filed a short, concise supplemental trial brief to address the standard for punitive damages under the Fair Housing Act. Dkt. 59.

## Settlement Efforts

45. From the start, the FHCW tried to resolve this case. When the SOCR conducted its conciliation process, the FHCW made a proposed settlement demand, but Defendants offered nothing. When Plaintiff's counsel served the Complaint and Summons on Defendants' registered agent, we served it with a cover letter (dated June 30, 2016) inviting settlement discussions. **Exhibit 2**. In late July 2016, Plaintiff's counsel asked Defense counsel whether the Defendants were amenable to settlement discussions. Defense counsel responded that Defendant Frederick Scheetz intends to maintain his occupancy restriction but invited a settlement proposal nevertheless. In reply, Plaintiff's counsel sent a letter dated August 3, 2016, citing numerous court opinions that held occupancy restrictions illegal, and making a specific settlement proposal. **Exhibit 3** (unredacted), Dkt. 44, at 45-47 (redacted version). Defendants never responded.

46. In the Court's order granting partial summary judgment, the Court wrote that it "encourages the parties to confer and attempt to reach agreement on the remedies that are appropriate in this case" as to injunctive relief. Dkt. 42 at 10. Plaintiff's counsel took the opportunity to write a letter to Defense counsel (dated May 17, 2017) inviting a meeting to discuss that topic, as well as to invite settlement discussions of the entire case. **Exhibit 4** (unredacted), Dkt. 44 at 10 (redacted version). Defense counsel responded that he would be meeting with his client and then would respond. Dkt. 44 at 14. He did not. Plaintiff's counsel followed up with an email asking for a response, *id.* at 13, but the Defendants never did.

47. Finally, at the Pre-trial conference on Friday September 8, 2017 that was held in Chambers, the Court encouraged the parties to discuss settlement. Defense counsel responded that he would be meeting with his client on Monday, but never made an offer. In sum, Defendants never made any settlement offer and never responded to any of Plaintiff's several invitations to discuss settlement or settlement demands.

**The Firm Took Risk**

48. From more than twenty-six years of experience practicing fair housing law, Plaintiff's counsel Mr. Wing knows that fair housing cases are challenging. Courts are prone to misinterpreting them as merely an unusual cousin to employment discrimination despite the fact that the Fair Housing Act has its own separate history, statutory scheme and language, and remedies. This requires specialized knowledge in the field.

49. Disparate impact cases are especially challenging and risky. They necessarily involve contesting a neutral policy, which in the area of discrimination law is a very heavy lift. In the context of occupancy restrictions, even if the plaintiff establishes disparate impact the law is not settled about the proper standard of business necessity raising a real risk that the court may defer to a potentially long list of justifications that a landlord may offer. Additionally, when representing an entity such as a fair housing center, the compensatory damages that the plaintiff may seek is limited to economic damages so they will typically be modest, and the issue of how of whether a landlord is restricted from how people can live in an apartment is unlikely to interest let alone inflame a jury to action. Accordingly, from a financial standpoint, such cases are more risk than financial reward.

50. Disparate impact cases necessarily involve finding, and paying, a qualified expert to collect and evaluate large amounts of demographic data and applying it to the case at hand. In this case, it took Plaintiff's counsel many weeks of contacting numerous academics and professionals to locate a suitable expert with the qualifications, knowledge, interest, and availability to collect and evaluate the data in a timely fashion, and write an extensive report explaining his evaluations and their significance for this case. The process was very time consuming, and Plaintiff's counsel had to work closely with the expert to understand the variables he was considering and make sure they were appropriate to the facts of the case, the methodological choices he was making, to raise questions and concerns, and to simplify and summarize his analysis and conclusions for the briefing to the Court. In bringing this case, Plaintiff's counsel had to assume that the Defendants would hire their own expert and submit a

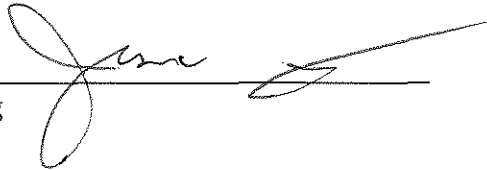
1 contrary analysis so working with our expert also involved discussing any potential weaknesses  
2 and avenues that a rebuttal expert might pursue. This all took a considerable amount of time for  
3 me and for the expert. Plaintiff's counsel was fortunate that the expert charged a very modest  
4 hourly rate.

5 51. Experienced fair housing lawyers can only afford to take on these kinds of cases  
6 and the risks that they present because the courts award the fees that they have earned, at the  
7 rates that they charge.

8  
9 I declare under penalty of perjury under the laws of the state of Washington that the  
10 foregoing is true.

11 DATED this 9th day of October, 2017.

12  
13  
14  
15 Jesse Wing

A handwritten signature in black ink, appearing to read 'Jesse Wing', is written over a horizontal line. The signature is stylized with a large loop at the end.



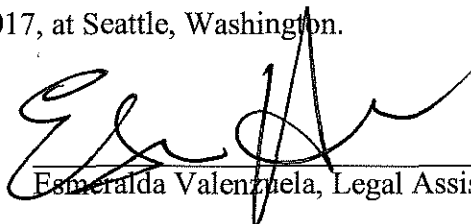
CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document entitled  
DECLARATION OF JESSE WING IN SUPPORT OF PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES AND COSTS with the Clerk of the Court using the CM/ECF system  
which will send notification of such filing to the following persons:

Counsel for Defendants

George T. Hunter, WSBA # 14388  
5900 48<sup>th</sup> Ave S  
Seattle, WA 98118  
Telephone: 206-851-7700  
Email: [gthunter7700@gmail.com](mailto:gthunter7700@gmail.com)

DATED this 9<sup>th</sup> day of October, 2017, at Seattle, Washington.

  
Esmeralda Valenzuela, Legal Assistant

**EXHIBIT 1**

TO

DECLARATION OF JESSE WING IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND  
COSTS

## Client Ledger

Fair Housing Center of Washington  
 Attn: Lauren Walker, Executive Director  
 1517 South Fawcett, Suite 250  
 Tacoma, WA 98402

10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

**Regular Account**

Date	Tkpr.	Type	Hours	Description	Amount	Balance
4/21/2016	JW	Fee	0.80	Call with L. Walker about occupancy restriction case	400.00	400.00
	JW		0.80			
4/26/2016		Noncash Cost		Printing (In House)	18.30	418.30
		Printing (In House)				
4/28/2016	JW	Fee	1.00	Review client documents and make notes of same	500.00	918.30
	JW		1.00			
4/29/2016	JW	Fee	0.20	Send public records act request to SOCR for investigation file	100.00	1,018.30
	JW		0.20			
4/29/2016	JW	Fee	0.10	Email from Seattle Office of Civil Rights about public records request	50.00	1,068.30
	JW		0.10			
5/4/2016	JW	Fee	0.10	Email from SOCR about public records request	50.00	1,118.30
	JW		0.10			
5/9/2016	JW	Fee	0.30	Review correspondence from FHCW with case histories of testers on the The Granada Apts	150.00	1,268.30
	JW		0.30			
5/12/2016	ACG	Fee	1.10	Review investigative files	357.50	1,625.80
	JW		1.10			
5/13/2016	ACG	Fee	2.20	Review files in preparation of drafting complaint (2.1); confer with J. Wing (.1)	715.00	2,340.80
	JW		2.20			
5/24/2016		Noncash Cost		Printing (In House)	38.90	2,379.70
		Printing (In House)				
5/26/2016	ACG	Fee	1.50	Draft complaint	487.50	2,867.20
	JW		1.50			
6/4/2016	ACG	Fee	5.10	Review and analyze documents provided pursuant to public record request; draft complaint	1,657.50	4,524.70
	JW		5.10			
6/7/2016	JW	Fee	2.30	Edit draft complaint	1,150.00	5,674.70
	JW		2.30			
6/14/2016	JW	Fee	0.30	Confer with client about our draft Complaint and proper defendants	150.00	5,824.70
	JW		0.30			
6/15/2016	JW	Fee	0.40	Email and call with client; email and call with M. Chin of SOCR	200.00	6,024.70
	JW		0.40			
6/15/2016	ACG	Fee	0.20	Confer with J. Wing and L. Faustich regarding filing complaint	65.00	6,089.70
	JW		0.20			
6/15/2016	JW	Fee	0.30	Call from SOCR about how to handle pending administrative claim when file with federal court	150.00	6,239.70
	JW		0.30			
6/16/2016		Noncash Cost		Photocopies	1.60	6,241.30
		Photocopies				
6/16/2016	JW	Fee	0.30	File notice of appearance with SOCR, and request that administrative client be held in abeyance during federal litigation	150.00	6,391.30
	JW		0.30			
6/16/2016	JW	Fee	0.20	Send copy of federal lawsuit to SOCR per its request	100.00	6,491.30
	JW		0.20			
6/17/2016	ACG	Fee	1.20	Review case schedule (.2); draft corporate disclosure statement (.8); confer with J. Wing and L. Walker regarding same (.2)	390.00	6,881.30
	JW		1.20			

Client Ledger

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

6/17/2016		Noncash Cost Printing (In House)		Printing (In House)	1.50	6,882.80
6/17/2016	JW	Fee	0.30	Review Joint Status Report order, consent letter & form, notice to	150.00	7,032.80
	JW		0.30	filer, summons and judge assignment issued by court		
6/17/2016	JW	Fee	0.30	Email to client about recent filings and option of agreeing to U.S.	150.00	7,182.80
	JW		0.30	Judge Magistrate		
6/22/2016	JW	Fee	0.30	Call with client about consenting to U.S. Magistrate and next steps	150.00	7,332.80
	JW		0.30			
6/23/2016	JW	Fee	0.40	Call with client to discuss next steps and option of magistrate	200.00	7,532.80
	JW		0.40			
6/29/2016	ACG	Fee	0.80	Review records in preparation for witness interviews	260.00	7,792.80
	JW		0.80			
6/29/2016	JW	Fee	0.30	Answer questions posed by process server who is not having luck	150.00	7,942.80
	JW		0.30	serving defendant F. Breier-Scheetz at his registered agent office		
6/30/2016	JW	Fee	0.40	Review declaration of service on corporation and give instructions	200.00	8,142.80
	JW		0.40	to staff on preparing waiver of service to individual defendant and		
				prepare cover letter to same		
6/30/2016		Cash Cost		06/30/16 service of process upon Breier-Scheetz Properties, LLC	49.50	8,192.30
	LJF	Service of Process		Check # 70560		
				ABC Legal Services Inc.		
6/30/2016		Noncash Cost		Photocopies	3.90	8,196.20
		Photocopies				
6/30/2016		Noncash Cost		Printing (In House)	1.50	8,197.70
		Printing (In House)				
7/6/2016		Cash Cost		06/20/16 J. Wing filing fee WAWD CM ECF (25S82D45) (Pay.Gov)	400.00	8,597.70
	JW	Filing Fee-U.S. District C		Check # 70589		
				U.S. Bank		
7/7/2016	ACG	Fee	1.40	Review case records preparation for drafting Initial Disclosures and	455.00	9,052.70
	JW		1.40	Joint Status Report to the court		
7/8/2016	ACG	Fee	0.20	Correspond with Mr. Hunter about meet-and-confer obligations	65.00	9,117.70
	JW		0.20			
7/11/2016	JW	Fee	0.30	Conduct Rule 26(f) with G. Hunter and A. Galloway	150.00	9,267.70
	JW		0.30			
7/11/2016	ACG	Fee	0.30	Participate in telephonic meet-and-confer with opposing counsel	97.50	9,365.20
	JW		0.30			
7/11/2016	ACG	Fee	0.10	Email correspondence with Mr. Hunter and J. Wing	32.50	9,397.70
	JW		0.10			
7/12/2016	ACG	Fee	0.10	Email correspondence with Ms. Walker and J. Wing	32.50	9,430.20
	JW		0.10			
7/12/2016	JW	Fee	0.30	Prepare confirming email of meet-and-confer call yesterday and	150.00	9,580.20
	JW		0.30	send to G. Hunter		
7/12/2016	JW	Fee	0.30	Review and respond to client questions about damages	150.00	9,730.20
	JW		0.30			

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

7/13/2016	ACG	Fee	0.40	Email correspondence to and from Ms. Walker about damages	130.00	9,860.20
	JW		0.40			
7/13/2016	ACG	Fee	0.30	Email correspondence with J. Wing and Ms. Walker regarding damages; review spreadsheet regarding same	97.50	9,957.70
	JW		0.30			
7/18/2016	ACG	Fee	0.30	Participate in telephone meet-and-confer with opposing counsel and J. Wing	97.50	10,055.20
	JW		0.30			
7/19/2016	ACG	Fee	2.40	Review and collect documents for initial disclosures (2.1); phone call with Ms. Walker (.3)	780.00	10,835.20
	JW		2.40			
7/20/2016	JW	Fee	0.50	Strategize discovery requests, scope of requests, and ESI issues--for both Defendants and FHCW	250.00	11,085.20
	JW		0.50			
7/20/2016	JW	Fee	0.30	Edit Plaintiffs draft initial disclosures	150.00	11,235.20
	JW		0.30			
7/21/2016	JW	Fee	0.60	Prepare lengthy email about discovery obligations, ESI, decisions to be made, and advice on how to proceed in this case; review clients' response	300.00	11,535.20
	JW		0.60			
7/22/2016	ACG	Fee	1.30	Finalize Initial Disclosures; review Defendants' initial disclosure and email correspondence with J. Wing and Ms. Walker regarding same	422.50	11,957.70
	JW		1.30			
7/22/2016	JW	Fee	0.40	Read Defendants' initial disclosures; lengthy email exchange with client about initial disclosures	200.00	12,157.70
	JW		0.40			
7/25/2016	ACG	Fee	3.20	Email correspondence to and from opposing counsel (.1); draft Joint Status Report (3); email client (.1)	1,040.00	13,197.70
	JW		3.20			
7/25/2016	JW	Fee	0.20	Follow-up emails with defense counsel about whether Mr. Breier-Scheetz agreeing to accept service of process	100.00	13,297.70
	JW		0.20			
7/25/2016	JW	Fee	0.40	Strategize draft joint status report to send to defense counsel	200.00	13,497.70
	JW		0.40			
7/25/2016	JW	Fee	0.50	Search for statistical expert for proving disparate impact and email exchange with one potential expert	250.00	13,747.70
	JW		0.50			
7/26/2016	ACG	Fee	0.10	Email correspondence with Mr. Hunter and J. Wing	32.50	13,780.20
	JW		0.10			
7/27/2016	ACG	Fee	1.40	Meet and confer phone conference with opposing counsel; confer with J. Wing regarding same (.6); revise and finalize JSR (.5); email correspondence with Mr. Hunter, J. Wing and Ms. Walker (.3)	455.00	14,235.20
	JW		1.40			
7/27/2016	JW	Fee	0.30	Review filing with court mis-stating that it was filed by me; contact defense counsel about same; review defense counsel's correction email to court	150.00	14,385.20
	JW		0.30			
7/27/2016	JW	Fee	0.80	Call with G. Hunter on Joint Status Report and our proposal that Defendants consider settlement; review case reassignment; report on developments to client	400.00	14,785.20
	JW		0.80			
7/29/2016	ACG	Fee	0.20	Email to Mr. Hunter and L. Faulstich regarding Joint Status Report; email correspondence with client (.2)	65.00	14,850.20
	JW		0.20			
7/31/2016		Cash Cost		07/08/16 Service of Process upon Fredrick B. Sheetz	49.50	14,899.70
	LJF			Check # 70769		
				ABC Legal Services Inc.		

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

8/1/2016	JW	Fee	0.80	Meet with client to discuss details of a proposal of settlement to the	400.00	15,299.70
	JW		0.80	Defendants		
8/2/2016	JW	Fee	2.70	Research fair housing occupancy restrictions cases	1,350.00	16,649.70
	JW		2.70			
8/2/2016	JW	Fee	0.20	Instructions to staff still waiting on acceptance of service from	100.00	16,749.70
	JW		0.20	Defendant F. Breier-Scheetz that has been promised for many days		
8/2/2016	JW	Fee	0.20	Email to defense counsel that we haven't received his client's	100.00	16,849.70
	JW		0.20	waiver of service yet		
8/3/2016	ACG	Fee	1.70	Review and analyze relevant case law, including Sowe v. Laz;	552.50	17,402.20
	JW		1.70	confer with J. Wing regarding settlement options; review settlement		
				letter		
8/3/2016	JW	Fee	1.00	Prepare settlement letter and send to client and A. Galloway for	500.00	17,902.20
	JW		1.00	review; call with client about same and strategize with A. Galloway		
				about same; make edits to same, finalize, and send to G. Hunter		
8/4/2016	ACG	Fee	0.40	Begin drafting 1st set of discovery to defendants	130.00	18,032.20
	JW		0.40			
8/8/2016	JW	Fee	0.60	Review case scheduling order; strategize next steps and timetable	300.00	18,332.20
	JW		0.60			
8/16/2016	ACG	Fee	0.20	Phone call and correspondence with Mr. Hunter regarding waiver	65.00	18,397.20
	JW		0.20	of service		
8/24/2016	ACG	Fee	1.60	Finalize discovery to defendants	520.00	18,917.20
	JW		1.60			
8/24/2016	JW	Fee	0.70	Edit and add to draft written discovery requests to defendants	350.00	19,267.20
	JW		0.70			
8/29/2016	JW	Fee	0.20	Forward our discovery requests to FHCW	100.00	19,367.20
	JW		0.20			
9/27/2016	ACG	Fee	0.30	Confer with J. Wing regarding discovery; correspond with Mr.	97.50	19,464.70
	JW		0.30	Hunter regarding same		
9/28/2016	ACG	Fee	0.10	Email to opposing counsel regarding discovery	32.50	19,497.20
	JW		0.10			
10/5/2016	ACG	Fee	0.10	Correspond with J. Wing and Mr. Hunter regarding Defendants'	32.50	19,529.70
	JW		0.10	overdue discovery responses		
10/5/2016	JW	Fee	0.80	Contact potential statistical experts; send case information; call	400.00	19,929.70
	JW		0.80	same		
10/6/2016	ACG	Fee	0.80	Review Defendants' discovery responses	260.00	20,189.70
	JW		0.80			
10/6/2016		Noncash Cost		Printing (In House)	1.30	20,191.00
		Printing (In House)				
10/6/2016	JW	Fee	0.60	Call with potential statistical expert	300.00	20,491.00
	JW		0.60			
10/6/2016	JW	Fee	0.40	Review Defendants' discovery responses and documents	200.00	20,691.00
	JW		0.40	produced; note deficiencies		
10/10/2016	ACG	Fee	0.30	Email to opposing counsel regarding discovery deficiencies	97.50	20,788.50
	JW		0.30			



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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

10/12/2016	JW	Fee	0.60	CR 37 conference with G. Hunter and A. Galloway	300.00	21,088.50
	JW		0.60			
10/12/2016	ACG	Fee	0.60	CR 37 conference with opposing counsel regarding Defendants' discovery response deficiencies	195.00	21,283.50
	JW		0.60			
10/26/2016	JW	Fee	0.20	Follow-up discovery conference with George Hunter; document same	100.00	21,383.50
	JW		0.20			
10/26/2016	ACG	Fee	0.10	Confer with J. Wing regarding CR 37 conference and next steps	32.50	21,416.00
	JW		0.10			
11/1/2016	JW	Fee	0.10	Email from G. Hunter about supplementary discovery responses	50.00	21,466.00
	JW		0.10			
11/4/2016	ACG	Fee	0.10	Confer with J. Wing and Ms. Walker regarding deposition preparations	32.50	21,498.50
	JW		0.10			
11/6/2016	JW	Fee	0.40	Continue contacting potential statistical experts	200.00	21,698.50
	JW		0.40			
11/8/2016	JW	Fee	0.40	Contact potential statistical experts	200.00	21,898.50
	JW		0.40			
11/8/2016	JW	Fee	0.20	Email to G. Hunter asking for promised supplemental discovery responses	100.00	21,998.50
	JW		0.20			
11/10/2016		Noncash Cost Printing (In House)		Printing (In House)	1.40	21,999.90
11/10/2016	JW	Fee	0.40	Review defendants' supplemental discovery responses and compare with originals	200.00	22,199.90
	JW		0.40			
11/16/2016	JW	Fee	0.40	Continue contacting potential experts on statistics	200.00	22,399.90
	JW		0.40			
11/17/2016	JW	Fee	0.10	Email to defense counsel asking for discovery responses verification page	50.00	22,449.90
	JW		0.10			
11/18/2016	JW	Fee	0.30	Communication with potential statistical expert	150.00	22,599.90
	JW		0.30			
11/22/2016	ACG	Fee	1.30	Confer with J. Wing regarding next steps; collect records for expert's review	422.50	23,022.40
	JW		1.30			
11/22/2016	JW	Fee	0.70	Select and send materials to P. Guest for expert review	350.00	23,372.40
	JW		0.70			
11/23/2016	JW	Fee	0.70	Call to potential expert P. Guest	350.00	23,722.40
	JW		0.70			
11/27/2016	JW	Fee	0.60	Call with expert P. Guest	300.00	24,022.40
	JW		0.60			
11/28/2016	ACG	Fee	0.50	Correspond with client and J. Wing regarding witness preparation, etc.	162.50	24,184.90
	JW		0.50			
11/29/2016	JW	Fee	0.30	Schedule meeting with client, testers, and testing coordinator in Tacoma	150.00	24,334.90
	JW		0.30			
12/2/2016		Noncash Cost Printing (In House)		Printing (In House)	2.60	24,337.50
12/2/2016	JW	Fee	1.00	Read Defendants' motion to dismiss; make notes about research and arguments to defend against same	500.00	24,837.50
	JW		1.00			

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

12/2/2016	JW	Fee	0.40	Email from expert P. Guest about census data sets and issues to	200.00	25,037.50
	JW		0.40	discuss about same		
12/4/2016	JW	Fee	1.60	Meet with statistical expert P. Guest to map out approaches to	800.00	25,837.50
	JW		1.60	statistical analysis and consider arguments in motion to dismiss		
				about same		
12/5/2016	JW	Fee	0.30	Review CV of expert P. Guest	150.00	25,987.50
	JW		0.30			
12/5/2016	JW	Fee	0.30	Send Defendants' motion to dismiss to L. Walker and advise about	150.00	26,137.50
	JW		0.30	same		
12/6/2016	ACG	Fee	0.80	Confer with J. Wing about litigation strategy (.2); prepare	260.00	26,397.50
	JW		0.80	declarations for summary judgment motion (.6)		
12/6/2016	JW	Fee	0.30	Instructions to A. Galloway to prepare draft tester and test	150.00	26,547.50
	JW		0.30	coordinator declarations in support of cross motion for summary		
				judgment for them to review when we meet them		
12/6/2016	JW	Fee	0.60	Prepare and send second set of discovery requests	300.00	26,847.50
	JW		0.60			
12/6/2016	JW	Fee	1.00	Prepare set of requests for admission based on arguments made	500.00	27,347.50
	JW		1.00	in motion to dismiss		
12/9/2016	ACG	Fee	0.90	Research records similar litigation for J. Wing	292.50	27,640.00
	JW		0.90			
12/9/2016	JW	Fee	2.40	Research statistical analyses used in other occupancy restriction	1,200.00	28,840.00
	JW		2.40	cases; instruct staff to pull applicable expert statistical filings in		
				other actions, and review same		
12/9/2016	JW	Fee	0.70	Review and edit draft tester and testing coordinator declarations	350.00	29,190.00
	JW		0.70			
12/9/2016	JW	Fee	0.40	Emails with expert P. Guest about analysis approach and motion to	200.00	29,390.00
	JW		0.40	dismiss arguments		
12/11/2016	ACG	Fee	2.60	Prepare for witness interviews, including draft declarations	845.00	30,235.00
	JW		2.60			
12/11/2016	JW	Fee	1.30	Prepare for interviews of witnesses and client's staff tomorrow	650.00	30,885.00
	JW		1.30			
12/12/2016	JW	Fee	6.80	Travel to Tacoma to meet with client, client's staff, and interview	3,400.00	34,285.00
	JW		6.80	testers and former testing coordinator		
12/12/2016	JW	Fee	0.70	Call with expert P. Guest	350.00	34,635.00
	JW		0.70			
12/12/2016	JW	Fee	1.00	Research for opposition to motion to dismiss	500.00	35,135.00
	JW		1.00			
12/12/2016	JW	Fee	0.70	Call with P. Guest about statistical approaches	350.00	35,485.00
	JW		0.70			
12/12/2016	JW	Fee	0.40	Collect and send expert approaches from Graul case prepared by	200.00	35,685.00
	JW		0.40	C. Bradford		

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

12/13/2016	JW	Fee	0.60	Review email from statistical expert P. Guest about C. Bradford's approach in Graul and about data sets and approaches we have discussed; respond to same	300.00	35,985.00
	JW		0.60			
12/15/2016	JW	Fee	1.10	Begin working on summary judgment legal section about occupancy restrictions	550.00	36,535.00
	JW		1.10			
12/19/2016	JW	Fee	6.10	Prepare draft witness declarations for Testers 401 and 405; meet with and interview witnesses, and secure signatures on declarations	3,050.00	39,585.00
	JW		6.10			
12/19/2016	JW	Fee	0.80	Review email from expert P. Guest with report so far; review and respond to same	400.00	39,985.00
	JW		0.80			
12/20/2016	JW	Fee	0.60	Call with expert P. Guest	300.00	40,285.00
	JW		0.60			
12/21/2016	ACG	Fee	3.60	Draft factual and procedural posture section of response to motion to dismiss / motion for summary judgment	1,170.00	41,455.00
	JW		3.60			
12/22/2016	JW	Fee	5.60	Write opposition to motion to dismiss/affirmative summary judgment motion	2,800.00	44,255.00
	JW		5.60			
12/28/2016	ACG	Fee	2.80	Revise response to motion to dismiss/motion for summary judgment (2.7); confer with J. Wing regarding next steps (.1)	910.00	45,165.00
	JW		2.80			
1/1/2017	JW	Fee	1.70	Read and edit expert's first draft declaration; send email with draft edits and request for call	850.00	46,015.00
	JW		1.70			
1/3/2017	JW	Fee	1.20	Review Dr. Guest's edits; call with Dr. Guest about his updated report	600.00	46,615.00
	JW		1.20			
1/3/2017	ACG	Fee	1.70	Review declarations in support of partial summary judgment motion (1.6); correspond with J. Wing regarding case status (.1)	552.50	47,167.50
	JW		1.70			
1/4/2017	ACG	Fee	0.10	Confer with J. Wing regarding next steps (.1)	32.50	47,200.00
	JW		0.10			
1/4/2017	JW	Fee	1.60	Prepare declaration of Jesse Wing and exhibits in opposition to motion to dismiss and cross motion for summary judgment	800.00	48,000.00
	JW		1.60			
1/5/2017	ACG	Fee	1.90	Revise motion for partial summary judgment	617.50	48,617.50
	JW		1.90			
1/5/2017		Cash Cost		12/12/16 J. Wing parking conducting interviews with testers (Seattle Meter Parking) Check # 72330 U.S. Bank	7.98	48,625.48
	JW					
1/5/2017		Cash Cost		12/19/16 J. Wing parking conducting interviews with testers (Seattle Meter Parking) Check # 72330 U.S. Bank	7.92	48,633.40
	JW					
1/5/2017	JW	Fee	0.80	Review email from expert P. Guest with Appendix B to his declaration, and four statistical tables and cites to Bradford report that he has incorporated	400.00	49,033.40
	JW		0.80			
1/5/2017	JW	Fee	0.50	Review edits from P. Guest to his report	250.00	49,283.40

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

	JW		0.50			
1/5/2017	JW	Fee	4.40	Prepare opposition to motion for summary judgment and cross	2,200.00	51,483.40
	JW		4.40	motion for summary judgment		
1/5/2017	JW	Fee	0.20	Contact defense counsel about motion for protective order to	100.00	51,583.40
	JW		0.20	protect testers' identities		
1/5/2017	JW	Fee	1.40	Meet tester outside Bonney Lake, WA to review, edit, and sign	700.00	52,283.40
	JW		1.40	declaration in support of summary judgment		
1/6/2017		Noncash Cost		Printing (In House)	6.20	52,289.60
		Printing (In House)				
1/6/2017	ACG	Fee	1.60	Research and draft motion for protective order and accompanying	520.00	52,809.60
	JW		1.60	declaration of Ms. Walker		
1/6/2017	JW	Fee	0.20	Instructions to A. Galloway about preparing declaration for L.	100.00	52,909.60
	JW		0.20	Walker Lee		
1/7/2017	JW	Fee	4.60	Propose edits to Dr. Guest's report; emails and telephone	2,300.00	55,209.60
	JW		4.60	conversations with him; revise summary judgment brief to add		
				analysis of Dr. Guest		
1/8/2017	ACG	Fee	3.40	Review and revise motion for summary judgment and	1,105.00	56,314.60
	JW		3.40	accompanying declarations		
1/8/2017	JW	Fee	5.60	Prepare cross motion for summary judgment	2,800.00	59,114.60
	JW		5.60			
1/9/2017	JW	Fee	0.80	Finish pleadings for filing	400.00	59,514.60
	JW		0.80			
1/13/2017	JW	Fee	0.70	Review defendants' reply in support of their motion to dismiss, and	350.00	59,864.60
	JW		0.70	opposition to cross motion for summary judgment		
1/16/2017		Noncash Cost		Printing (In House)	1.00	59,865.60
		Printing (In House)				
1/27/2017	JW	Fee	0.20	Review Court's order denying Defendants' motion to dismiss	100.00	59,965.60
	JW		0.20			
1/30/2017	JW	Fee	0.80	Read Defendants' opposition to summary judgment; make notes for	400.00	60,365.60
	JW		0.80	reply regarding same; instructions to S. Kramer for research and		
				drafting portions of reply		
1/31/2017	SJK	Fee	2.10	Review plaintiff's motion for summary judgment and rules and	577.50	60,943.10
	JW		2.10	cases cited in brief (0.7); review defendant's response in opposition		
				to plaintiff's motion for summary judgment and rules and cases		
				cited in brief (1.1); meeting with J. Wing to discuss drafting of reply		
				brief (0.3)		
1/31/2017	JW	Fee	0.40	Instructions to S. Kramer on preparing reply in support of summary	200.00	61,143.10
	JW		0.40	judgment		
1/31/2017	JW	Fee	0.50	Prepare expert witness disclosure	250.00	61,393.10
	JW		0.50			

Client Ledger

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 Tacoma, WA 98402

10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

1/31/2017		Noncash Cost Printing (In House)		Printing (In House)	2.60	61,395.70
2/1/2017	SJK JW	Fee	1.10 1.10	Draft reply in support of motion for summary judgment	302.50	61,698.20
2/1/2017	JW JW	Fee	2.20 2.20	Research and prepare portion of reply in support of summary judgment re merits (1.8); meeting with client to update on motion status and strategize case (.4)	1,100.00	62,798.20
2/2/2017	SJK JW	Fee	4.60 4.60	Draft reply brief in support of plaintiffs' counter-motion for summary judgment (4.5); meeting with J. Wing to discuss issues to include in reply brief with J. Wing (0.1)	1,265.00	64,063.20
2/2/2017	JW JW	Fee	0.70 0.70	Add to reply brief in support of cross motion for summary judgment	350.00	64,413.20
2/3/2017	SJK JW	Fee	0.80 0.80	Edit reply brief in support of counter motion for summary judgment (0.7); meeting with J. Wing to discuss which portions of reply brief in support of counter motion for summary judgment need to be condensed (0.1)	220.00	64,633.20
2/3/2017	JW JW	Fee	1.20 1.20	Edit and finalize reply brief in support of cross motion for summary judgment	600.00	65,233.20
2/3/2017		Noncash Cost Printing (In House)		Printing (In House)	1.20	65,234.40
2/7/2017	JW JW	Fee	0.40 0.40	Read court's ruling on defendants' motion to strike expert and under FRCP 56(d); share same with client; strategize discovery	200.00	65,434.40
3/6/2017	JW	Cash Cost Research Fee		02/01/17 J. Wing copies of expert reports of Cal Bradford (PACER) Check # 72913 U.S. Bank	15.30	65,449.70
3/14/2017	JW JW	Fee	0.20 0.20	Contact defense counsel to schedule deposition of defendant F. Breier-Scheetz	100.00	65,549.70
3/15/2017	ACG JW	Fee	0.10 0.10	Email correspondence to opposing counsel and J. Wing regarding noting Scheetz deposition	32.50	65,582.20
3/21/2017	ACG JW	Fee	4.60 4.60	Review discovery and other records and draft outline for Scheetz deposition	1,495.00	67,077.20
3/21/2017	JW JW	Fee	0.10 0.10	Review email from G. Hunter about deposition of his client; respond to same	50.00	67,127.20
3/22/2017	JW JW	Fee	2.70 2.70	Prepare for deposition of defendant F. Breier-Scheetz	1,350.00	68,477.20
3/22/2017	JW JW	Fee	0.10 0.10	Further email from G. Hunter about deposition of his client	50.00	68,527.20

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

3/22/2017	JW	Fee	0.40	Prepare Rule 34 inspection of premises of The Granada Apartments	200.00	68,727.20
	JW		0.40			
3/23/2017		Noncash Cost		Printing (In House)	30.80	68,758.00
		Printing (In House)				
3/23/2017	JW	Fee	0.60	Finalize preparation for deposing F. Breier-Scheetz	300.00	69,058.00
	JW		0.60			
3/24/2017		Cash Cost		03/24/17 Video Recorded Deposition of Frederick Breier-Scheetz	395.64	69,453.64
	JW			\$360.00 Appearance (4 hrs @ \$90.00/hr)		
				\$ 25.64 Parking		
				\$ 10.00 Shipping via FedEx		
				Check # 73071		
				Maimon Legal Video		
3/24/2017	ACG	Fee	4.00	Attend Scheetz deposition	1,300.00	70,753.64
	JW		4.00			
3/24/2017	JW	Fee	4.00	Depose defendant F. Breier-Scheetz	2,000.00	72,753.64
	JW		4.00			
3/27/2017	ACG	Fee	0.90	Review deposition notes and prepare excerpts for reply brief	292.50	73,046.14
	JW		0.90			
3/27/2017	JW	Fee	1.00	Read Defendants' opposition to our cross motion for summary judgment; make notes for reply brief; request excerpts from court reporter of defendant's deposition for reply	500.00	73,546.14
	JW		1.00			
3/27/2017	JW	Fee	3.20	Prepare draft reply brief in support of summary judgment	1,600.00	75,146.14
	JW		3.20			
3/28/2017	ACG	Fee	1.00	Review Defendants' brief in opposition to summary judgment motion and review draft Plaintiffs reply; draft proposed edits to Plaintiffs reply	325.00	75,471.14
	JW		1.00			
3/29/2017		Cash Cost		03/24/17 Deposition of Frederick Breier Scheetz	1,493.70	76,964.84
	JW	Court Reporter		\$ 340.00 Appearance Fee (4 hrs @ \$85.00/hr)		
				\$1,121.85 E-Transcript Fee (135 pgs @ \$8.31/pg)		
				\$ 31.85 PDF Copies of Exhibits 1-15 (91 pgs @ \$0.35)		
				Check # 73052		
				Written Word Service, Inc.		
3/29/2017	ACG	Fee	2.60	Review Plaintiffs draft reply and suggest edits to incorporate deposition testimony (1.3); research authority on shared housing in high density cities (1.3)	845.00	77,809.84
	JW		2.60			
3/30/2017	JW	Fee	2.60	Review edits and additions to reply brief by A. Galloway, and finalize reply	1,300.00	79,109.84
	JW		2.60			
3/30/2017	JW	Fee	0.80	Prepare declaration of Jesse Wing in support of summary judgment	400.00	79,509.84
	JW		0.80			



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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

4/10/2017	JW	Fee	0.20	Email to G. Hunter about scheduling the inspection of The Granada Apartments	100.00	79,609.84
	JW		0.20			
4/19/2017	JW	Fee	2.20	Prepare for and then conduct Rule 34 inspection; prepare drawings of rooms, calculate sizes, and draft declaration about inspection	1,100.00	80,709.84
	JW		2.20			
5/4/2017	ACG	Cash Cost		04/19/17 ACG Parking for Inspection (Discovery) Check # 73609 U.S. Bank	5.00	80,714.84
5/4/2017	ACG	Cash Cost Parking		04/19/17 JRS Rule of 34 Inspection Check # 73609 U.S. Bank	6.75	80,721.59
5/4/2017	JW	Cash Cost Parking		04/20/17 J. Wing parking for Rule 34 Inspection Check # 73609 U.S. Bank	9.00	80,730.59
5/4/2017	JW	Cash Cost Parking		04/20/17 J. Wing parking for Rule 34 Inspection Check # 73609 U.S. Bank	9.00	80,739.59
5/12/2017	JW	Fee	0.70	Receive and read court's order on summary judgment; send same to client with explanation; instruct A. Galloway on researching issues for injunctive relief brief	350.00	81,089.59
	JW		0.70			
5/12/2017	ACG	Fee	1.10	Review order granting summary judgment	357.50	81,447.09
	JW		1.10			
5/13/2017	ACG	Fee	3.40	Review caselaw on equitable relief in fair housing cases, including housing discrimination treatise	1,105.00	82,552.09
	JW		3.40			
5/15/2017	JW	Fee	0.30	Meet with J. Taren to strategize brief for injunctive relief and damages	150.00	82,702.09
	JW		0.30			
5/15/2017	JW	Fee	1.70	Research availability of punitive damages for disparate impact (1.4); prepare letter to defense counsel to confer about injunctive remedies (.3)	850.00	83,552.09
	JW		1.70			
5/15/2017	ACG	Fee	0.10	Email to J. Wing regarding equitable relief in FHA cases	32.50	83,584.59
	JW		0.10			
5/15/2017	ACG	Fee	0.20	Confer with J. Wing regarding settlement negotiations	65.00	83,649.59
	JW		0.20			
5/15/2017		Noncash Cost Printing (In House)		Printing (In House)	6.10	83,655.69
5/17/2017	JW	Fee	0.50	Prepare letter to G. Hunter inviting discussion about proposed injunctive relief provisions, as suggested by the Court's summary judgment order, and to discuss settlement of entire case	250.00	83,905.69
	JW		0.50			
5/24/2017	JW	Fee	0.10	Review email from G. Hunter stating he will respond to my May 17, 2017 letter tomorrow	50.00	83,955.69
	JW		0.10			
5/28/2017	ACG	Fee	1.70	Continue to research case law on FHA remedies	552.50	84,508.19

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

	IW		1.70			
5/29/2017	ACG IW	Fee	3.20 3.20	Draft supplemental brief on injunctive relief	1,040.00	85,548.19
6/1/2017	ACG JW	Fee	1.60 1.60	Confer with J. Wing (.1); research case law on additional forms of equitable relief (1.5)	520.00	86,068.19
6/1/2017	JW JW	Fee	0.80 0.80	Prepare declaration for L. Walker Lee in support of injunctive relief	400.00	86,468.19
6/2/2017	JW JW	Fee	1.80 1.80	Finalize and file supplemental brief in support of injunctive relief, declaration of Jesse Wing, and proposed order	900.00	87,368.19
6/2/2017	JW JW	Fee	8.40 8.40	Prepare supplemental brief in support of injunctive relief, declaration of L. Walker, declaration of Jesse Wing, and draft proposed order	4,200.00	91,568.19
6/2/2017		Noncash Cost Printing (In House)		Printing (In House)	19.90	91,588.09
6/6/2017	ACG JW	Fee	0.20 0.20	Draft supplemental initial disclosures	65.00	91,653.09
6/7/2017	ACG JW	Fee	0.60 0.60	Confer with J. Wing regarding supplemental disclosures (.2); correspond with Ms. Walker regarding same (.4)	195.00	91,848.09
6/14/2017	ACG JW	Fee	1.60 1.60	Review draft supplemental disclosures (.9); confer with J. Wing regarding trial preparation (.4); confer by phone and email with Ms. Walker (.3)	520.00	92,368.09
6/14/2017	JW JW	Fee	0.40 0.40	Instructions to A. Galloway to supplemental initial disclosures with update of damages; review draft charts and edit same	200.00	92,568.09
6/16/2017	ACG JW	Fee	4.50 4.50	Work on supplemental disclosures (1.2); read response brief (.3); research Seattle Municipal Code (.4); work on findings of fact and conclusions of law (2.5); correspond with J. Wing and Ms. Walker Lee (.1)	1,462.50	94,030.59
6/16/2017	JW JW	Fee	0.30 0.30	Read Defendants' response brief on injunctive relief	150.00	94,180.59
6/19/2017	ACG JW	Fee	2.60 2.60	Review draft reply; suggest revisions to same	845.00	95,025.59
6/20/2017	JW JW	Fee	0.80 0.80	Review A. Galloway's edits to reply brief and tighten further	400.00	95,425.59
6/21/2017	ACG JW	Fee	4.50 4.50	Begin drafting findings of fact and conclusions of law (4.2); correspond with L. Walker regarding damages charts (.1); confer with J. Wing regarding next steps (.2)	1,462.50	96,888.09
6/21/2017	JW JW	Fee	0.30 0.30	Instructions to client and A. Galloway on finishing damages calculations and charts	150.00	97,038.09

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

6/22/2017	ACG JW	Fee	5.40 5.40	Continue drafting findings of fact / conclusions of law	1,755.00	98,793.09
6/23/2017	ACG JW	Fee	7.50 7.50	Finalize findings of fact/conclusions of law (3.1); Draft plaintiff's pre-trial statement (3.6); finalize cost charts (.8)	2,437.50	101,230.59
6/26/2017	JW JW	Fee	0.40 0.40	Strategize with J. Taren regarding damages requested and presentation of same	200.00	101,430.59
6/27/2017	JW JW	Fee	0.30 0.30	Review new case on fair housing damages from N.D. California	150.00	101,580.59
6/28/2017	JW JW	Fee	0.30 0.30	Call from client regarding supplementing initial disclosures with additional FHCW damages	150.00	101,730.59
6/28/2017	JW JW	Fee	0.80 0.80	Edit draft Plaintiff's Pretrial Statement	400.00	102,130.59
6/29/2017	JW JW	Fee	0.30 0.30	Review damages charts and approve for supplemental initial disclosures	150.00	102,280.59
6/30/2017	JW JW	Fee	0.30 0.30	Review and respond to client obtaining costs for remedial measures	150.00	102,430.59
7/5/2017	ACG JW	Fee	1.70 1.70	Revise and proofread Supplemental Initial Disclosures and confer with J. Wing, J. Taren and staff regarding same	552.50	102,983.09
7/6/2017	ACG JW	Fee	1.50 1.50	Revise plaintiff's pre-trial statement	487.50	103,470.59
7/7/2017	ACG JW	Fee	0.50 0.50	Correspond with Ms. Walker Lee regarding trial exhibits; review proposed trial exhibits	162.50	103,633.09
7/11/2017	ACG JW	Fee	0.60 0.60	Confer with T. Locati regarding net worth analysis of Defendants and gather records regarding same	195.00	103,828.09
7/12/2017	ACG JW	Fee	8.70 8.70	Review deposition transcript and highlight excerpts for trial designation (3.9); draft Third Supplemental Initial Disclosures (.6); finalize plaintiff's pre-trial statement (1.1); research property holdings of Defendants and process same as trial exhibits (3.1)	2,827.50	106,655.59
7/13/2017	ACG JW	Fee	1.10 1.10	Calls with judge's clerk and Mr. Hunter and confer with J Wing regarding same (.8); review net worth documents and confer with T. Locati and J. Wing regarding same (.3)	357.50	107,013.09
7/13/2017	JW JW	Fee	0.30 0.30	Confer with A. Galloway about call from court to move trial date	150.00	107,163.09
8/5/2017	JW JW	Fee	0.70 0.70	Edit draft trial brief	350.00	107,513.09
8/7/2017	ACG JW	Fee	6.50 6.50	Research and revise trial brief (6.4); confer with J. Wing regarding same (.1)	2,112.50	109,625.59
8/15/2017	ACG JW	Fee	0.10 0.10	Email correspondence with opposing counsel about pre-trial statement	32.50	109,658.09

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

8/15/2017	JW JW	Fee	0.20 0.20	Email G. Hunter because Defendants' Pre-trial statement is overdue	100.00	109,758.09
8/16/2017	ACG JW	Fee	0.10 0.10	Email correspondence with opposing counsel	32.50	109,790.59
8/22/2017	ACG JW	Fee	0.10 0.10	Email to and voice mail from opposing counsel regarding overdue defendant's pre-trial statement	32.50	109,823.09
8/23/2017	JW JW	Fee	1.30 1.30	Review Defendants' Pre-trial statement; combine same with Plaintiff's Pre-trial Statement into proposed Pretrial Order, fill out chart for defendants' exhibits; and propose track changes to same as to admitting facts, and return to G. Hunter with lengthy email articulating next steps and proposing time to confer	650.00	110,473.09
8/24/2017	JW JW	Fee	0.30 0.30	Telephone conference with G. Hunter about proposed Pre-trial Order	150.00	110,623.09
8/25/2017		Noncash Cost Printing (In House)		Printing (In House)	6.50	110,629.59
8/25/2017	JW JW	Fee	0.40 0.40	Revise proposed Pre-trial Order based on meet-and-confer call with G. Hunter, and send him same	200.00	110,829.59
8/26/2017	JW JW	Fee	1.80 1.80	Revise trial brief	900.00	111,729.59
8/28/2017	ACG JW	Fee	1.60 1.60	Revise Trial Brief	520.00	112,249.59
8/29/2017	ACG JW	Fee	0.10 0.10	Confer with J. Wing regarding findings of fact (.1)	32.50	112,282.09
8/29/2017	JW JW	Fee	0.20 0.20	Secure agreement on final proposed Pretrial Order from G. Hunter	100.00	112,382.09
8/30/2017	JW JW	Fee	2.40 2.40	Edit proposed findings of fact/conclusions of law	1,200.00	113,582.09
8/31/2017	ACG JW	Fee	2.60 2.60	Proofread and revise findings of fact/conclusions of law	845.00	114,427.09
9/1/2017	JW JW	Fee	0.70 0.70	Finalize pre-trial filings (.4); read Defendants' trial brief (.3)	350.00	114,777.09
9/6/2017	JW JW	Fee	0.80 0.80	Discuss trial with L. Walker Lee; send her documents to review	400.00	115,177.09
9/7/2017	JW JW	Fee	0.50 0.50	Review news article on new DOJ settlement with landlord in Western Washington on familial status discrimination; instruct staff to locate DOJ press release regarding same and settlement agreement, which includes punitive damages, and strategize whether to introduce at trial, and if so how	250.00	115,427.09
9/8/2017	JW JW	Fee	2.50 2.50	Prepare for and attend pretrial conference (1.3); debrief with client about pretrial conference, discuss preparation for trial (.5); prepare trial notebook (.7)	1,250.00	116,677.09

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

9/9/2017	TLL	Cash Cost Search fee		Reimburse T. Locati for Jul/17 Online Database Searches - LexisNexis Risk Data Check # 74474 Troy L. Locati	87.62	116,764.71
9/11/2017	JW JW	Fee	2.10 2.10	Prepare L. Walker Lee for direct examination at trial	1,050.00	117,814.71
9/13/2017	ACG JW	Fee	2.10 2.10	Confer with J. Wing regarding trial strategy, etc. (.6); make list of factual findings already on the record (1.5)	682.50	118,497.21
9/13/2017	JW JW	Fee	2.50 2.50	Prepare opening statement	1,250.00	119,747.21
9/13/2017	JW JW	Fee	4.50 4.50	Prepare outline and questions for direct exam of L. Walker Lee at trial; review Pre-Trial Order, exhibits, and proposed findings of fact/conclusions of law and weave in needed facts and references to same	2,250.00	121,997.21
9/14/2017	ACG JW	Fee	1.30 1.30	Make list of factual findings already on the record	422.50	122,419.71
9/14/2017	JW JW	Fee	3.60 3.60	Research and prepare closing argument	1,800.00	124,219.71
9/14/2017	JW JW	Fee	5.80 5.80	Read deposition transcript of Defendant F. Breier-Scheetz, review Defendants' initial and supplemental discovery responses, Pre-trial Order and trial exhibits, SOCR declarations of Scheetz and Huths, SOCR finding, initial HUD Complaint, settlement letters, trial declarations by Defendant, and unused deposition exhibits; prepare cross examination of Defendant Scheetz for trial	2,900.00	127,119.71
9/15/2017	ACG JW	Fee	1.80 1.80	Read and revise supplemental briefing on punitive damages; confer with J. Wing regarding same	585.00	127,704.71
9/15/2017	JW JW	Fee	1.80 1.80	Research and prepare supplemental trial brief on due process limits of punitive damages, per instruction of court during pretrial conference	900.00	128,604.71
9/15/2017	JW JW	Fee	1.30 1.30	Revise and edit questions for trial witnesses	650.00	129,254.71
9/16/2017	JW JW	Fee	2.10 2.10	Edit, tighten, and finalize opening and closing for trial	1,050.00	130,304.71
9/16/2017	JW JW	Fee	0.30 0.30	Send my revised direct testimony questions to L. Walker Lee	150.00	130,454.71
9/17/2017	JW JW	Fee	2.50 2.50	Review trial plan, proposed findings of fact/conclusions of law, trial brief, Pretrial Order, and direct and cross examination, and trial exhibits for trial tomorrow	1,250.00	131,704.71
9/18/2017	ACG JW	Fee	3.50 3.50	Attend and participate in trial	1,137.50	132,842.21

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10017-4 / JW / Contingent  
 Discrimination - Gen.  
 Fair Housing Violations

9/18/2017	JW	Fee	3.00	Conduct trial on damages and injunctive relief	1,500.00	134,342.21
	JW		3.00			
9/19/2017	JW	Fee	0.20	Read Court's minute order on damages and injunctive relief trial	100.00	134,442.21
	JW		0.20			
9/20/2017	JW	Fee	1.30	Research and prepare second supplemental trial brief on punitive damages standards under Fair Housing Act	650.00	135,092.21
	JW		1.30			
9/25/2017	JW	Fee	3.40	Post-trial prepare declaration in support of motion for fees	1,700.00	136,792.21
	JW		3.40			
9/27/2017	JW	Fee	5.40	Research and prepare motion for attorney fees and costs	2,700.00	139,492.21
	JW		5.40			
9/28/2017	JW	Fee	0.70	Send requests for fee declarations in support of MHB attorney rates; send caption and prepare and send bios	350.00	139,842.21
	JW		0.70			
9/28/2017	JW	Fee	3.70	Continue preparing declaration in support of attorney fees and costs; collect exhibits to same; review billings for case, and correct typographical errors	1,850.00	141,692.21
	JW		3.70			
10/2/2017	JW	Fee	0.80	Research FRCP 54, review docket entry directing filing of fees motion, contact defense counsel about same, contact court to seek clarification about deadline, and report back to defense counsel	400.00	142,092.21
	JW		0.80			
10/3/2017		Cash Cost		9/18/17 J. Wing Parking during day of trial (City of Seattle)	6.80	142,099.01
	JW	Parking				
10/3/2017		Cash Cost		9/18/17 J. Wing Parking during day of trial (Pioneer Square Garage)	9.00	142,108.01
	JW	Parking				
10/3/2017		Cash Cost		9/18/17 J. Wing Parking during day of trial (Imperial Parking)	18.00	142,126.01
	JW	Parking				
10/8/2017	JW	Fee	2.10	Prepare motion for attorney's fees and costs	1,050.00	143,176.01
	JW		2.10			
10/9/2017		Cash Cost		Fee for Expert Witness Declaration - Dr. Avery "Pete" Guest	5,200.00	148,376.01
	JW	Expert				
10/9/2017	JW	Fee	3.30	Finalize declaration and motion for fees	1,650.00	150,026.01
	JW		3.30			



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10017-4 / JW / Contingent  
Discrimination - Gen.  
Fair Housing Violations

Fee Summary

Work. Tkpr.	Cap. Tkpr.	Original Rate	Prorated Rate	Original Hours	Billable Hours	Fee Amount	Fee Adjustment	Work Value
ACG	JW	325	325	136.60	136.60	44,395.0	0.00	44,395.00
JW	JW	500	500	190.70	190.70	95,350.0	0.00	95,350.00
SJK	JW	275	275	8.60	8.60	2,365.00	0.00	2,365.00
<b>Fee Totals</b>				<b>335.90</b>	<b>335.90</b>	<b>142,110.00</b>	<b>0.00</b>	<b>142,110.00</b>

Cost Summary

Code	Description	Cost Amount	Cost Adjustment	Cost Total
714/717NC	Photocopies / Printing (in House)	145.30	0.00	145.30
721	Deposition	395.64	0.00	395.64
725	Court Reporter	1,493.70	0.00	1,493.70
741	Filing Fee-U.S. District Court	400.00	0.00	400.00
794	Research fees	102.92	0.00	102.92
805	Service of Process	99.00	0.00	99.00
824	Parking	79.45	0.00	79.45
830	Expert Witness	5,200.00	0.00	5,200.00
<b>Cost Total</b>		<b>7,916.01</b>	<b>0.00</b>	<b>7,916.01</b>

Category Breakdown

	Cumulative	Payments	Adjustments	Balance
Fees	142,110.00	0.00	0.00	142,110.00
Cash Costs	7,770.71	0.00	0.00	7,770.71
Noncash Costs	145.30	0.00	0.00	145.30
<b>Totals</b>	<b>150,026.01</b>	<b>0.00</b>	<b>0.00</b>	<b>150,026.01</b>

**EXHIBIT 2**

TO

DECLARATION OF JESSE WING IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND  
COSTS



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June 30, 2016

Frederick Breier-Scheetz  
1402 Third Avenue, Suite 826  
Seattle, WA 98101

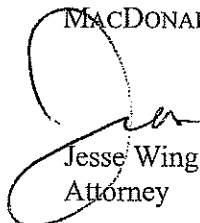
Re: Granada Apartments

Dear Mr. Breier-Scheetz:

I represent the Fair Housing Center of Washington, which has filed the enclosed lawsuit against you and your company, Breier-Scheetz Properties, LLC, for fair housing violations. Also enclosed is a waiver of service form. Please read it carefully and consider signing and returning it to me by the deadline listed in the form. If you do not sign and return the form to me by the deadline, we will have to hire a process server to serve you with the enclosed Complaint and Summons. Without delay, we will be entitled to recover from you the cost of doing so. Finally, if you are interested in resolving this lawsuit without incurring additional litigation expenses, feel free to contact me at the number above.

Very truly yours,

MACDONALD HOAGUE & BAYLESS

  
Jesse Wing  
Attorney

JW:ljf  
Enclosure

**EXHIBIT 3**

TO

DECLARATION OF JESSE WING IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND  
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David J. Whedbee  
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Lola S. Zakharova

August 3, 2016

George T. Hunter  
Attorney at Law  
5900 48th Avenue South  
Seattle, WA 98118

Re: FHCW v. Scheier (Granada)

Dear George:

When we spoke, I asked whether your client has considered settlement. You responded that he intends to maintain his one-person per unit policy, but nevertheless invited us to make a proposal to take to him. I am writing to make a settlement proposal.

At the outset, I encourage your client to reconsider his intention to keep his policy. Consistent with SOCR's findings that your client's occupancy restriction constitutes illegal discrimination through disparate impact, there is ample precedent establishing that even *less* restrictive occupancy restrictions than one person per bedroom violate the Fair Housing Act, and rejecting business justifications far more tenable than what he has asserted. Here are just a few of the opinions from district courts in this circuit and elsewhere from the past 25 years right up to last month:

- *Rhode Island Comm'n for Human Rights v. Graul*, 120 F. Supp. 3d 110 (D.R.I. 2015) (holding on summary judgment, policy requiring minimum of 170 square feet for a family of three had disparate impact on families with children in violation of FHA and Rhode Island law)
- *Gashi v. Grubb & Ellis Prop. Mgmt. Servs., Inc.*, 801 F. Supp. 2d 12, 16 (D. Conn. 2011) (holding on summary judgment, policy limiting occupancy to no more than two persons per bedroom had a disparate impact on families with children, in violation of the FHA)

George T. Hunter  
August 3, 2016  
Page 2

- *United States v. Tropic Seas, Inc.*, 887 F. Supp. 1347 (D. Haw. 1995) (holding on summary judgment, landlord's rule against occupancy of studio or one-bedroom apartment by more than two persons violated FHA)
- *Fair Hous. Council of Orange Cty., Inc. v. Ayres*, 855 F. Supp. 315, 318 (C.D. Cal. 1994) (granting summary judgment for Plaintiffs against landlord's enforcement of two-person per bedroom occupancy restriction, rejecting as insufficient Defendant's offered business justification "to prevent damage and destruction to the apartments from excessive wear and tear" "to keep the property in good repair and to reduce ongoing maintenance and eventual resale costs.")
- *United States v. Hover*, No. C 93-20061 JW, 1995 WL 55379, at \*3 (N.D. Cal. Feb. 8, 1995) (after trial, verdict for plaintiff because: "The defendant's occupancy standard of 'one person per bedroom plus one' has a discriminatory effect on families with minor children. There are 153 two bedroom units at Casa Alondra and 30 three-bedroom units. Although on its face, defendant's policy appears to treat adults and children similarly, and children do reside at Casa Alondra, the restriction has a disparate impact on intact couples with two children and couples with more than two children. By refusing to allow occupancy by couples with one child in a one bedroom unit, prohibiting two children in two bedroom units, and absolutely refusing to rent to couples with more than two children, defendants exclude a large percentage of families with children from renting mobile homes at Casa Alondra.")
- *United States v. Badgett*, 976 F.2d 1176, 1178 (8th Cir. 1992) (reversing trial court and finding that landlord's limit on occupancy of one-bedroom apartments to one person violated the Fair Housing Act)
- *United States v. Lepore*, 816 F. Supp. 1011, 1023 (M.D. Pa. 1991) (entering verdict for plaintiffs after trial, holding that "the two person limitation violates the amended Fair Housing Act and that the Lepores' actions in enforcing that limitation violated the Meilers' rights, the court cannot say that the two person requirement is reasonable when defendants have never attempted any alternative," and rejecting inadequate septic system as defense)
- *Crossroads Residents Organized for Stable & Secure ResidencieS v. MSP Crossroads Apartments LLC, & Soderberg Apartment Specialists*, No. CV 16-233 ADM/KMM, 2016 WL 3661146, at \*9 (D. Minn. July 5, 2016) (denying motion to dismiss, holding "Because nearly all units at the complex have only one bedroom, Defendants' occupancy standard effectively prohibits more than two persons from living together in one unit. *Id.* A significant proportion of families

George T. Hunter  
August 3, 2016  
Page 3

with children, however, consist of three or more persons. Unsurprisingly, many cases finding that an occupancy standard had a disparate impact based on familial status involved a limit of 2 persons per unit.”)

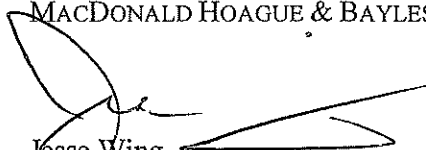
During our conversation, unless I misunderstood what you said, you were suggesting that the relevant statistical analysis would be of applicants to your client’s property, rather than the local housing market. If that is indeed what you have in mind, that is inconsistent with all of the precedent cited above and well-established Ninth Circuit precedent. *See, e.g., Budnick v. Town of Carefree*, 518 F.3d 1109, 1119 (9th Cir. 2008) (citing *Mountain Side Mobile Estates P’ship v. Sec. of Housing and Urban Dev.*, 56 F.3d 1243, 1253 (10th Cir. 1995) (“In this case, the appropriate comparables must focus on the local housing market and local family statistics.”). *See also Betsy v. Turtle Creek Assn.*, 736 F.2d 963, 988 (4th Cir. 1984) (same).

The Fair Housing Center’s mission is to advance fair housing rights, which includes ensuring that housing is made available to families with children, and not refused on an arbitrary basis. We believe that your client’s current occupancy restriction is merely a preference without a sound, legitimate basis. The Seattle habitability code would allow as many as six occupants in a 400 foot apartment. Your client will have to show why it refuses not just six, or five, or four, or three, but even just two occupants. Rather than start negotiating with your client at six occupants, we have decided to skip directly to what the FHCW would find acceptable: for the purpose of resolving this matter through settlement, the FHCW would agree to a restriction of three persons per studio. That would allow a basic family—two parents and their child—to occupy a unit. If your client is willing to agree to that number, then we can discuss other terms, which at this point would be premature if we can’t reach agreement on the core goal of this litigation.

We look forward to hearing from you.

Very truly yours,

MACDONALD HOAGUE & BAYLESS



Jesse Wing  
Attorney

JW:ljf



**EXHIBIT 4**

TO

DECLARATION OF JESSE WING IN SUPPORT OF  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND  
COSTS



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Eryne Walvekar  
David J. Whedbee  
Jesse Wing  
Lola S. Zakharova

May 17, 2017

**VIA EMAIL**

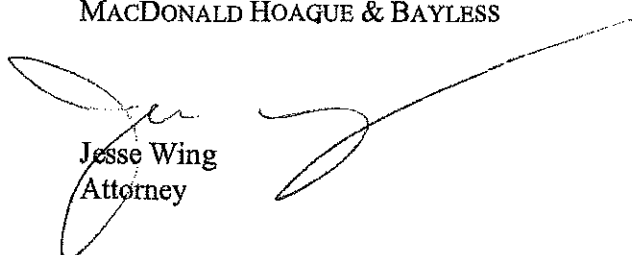
George T. Hunter  
Attorney at Law  
5900 48th Avenue South  
Seattle, WA 98118

Dear George:

In his granting summary judgment, Judge Zilly ordered the Plaintiff to submit supplemental briefing on injunctive relief. In the meantime, however, he wrote that he "encourages the parties to confer and attempt to reach agreement on the remedies that are appropriate in this case" as to injunctive relief. Dkt. 42 at 10. In my Complaint and Counter-Motion for Summary Judgment, and in a settlement letter to you dated August 3, 2016, I identified a variety of injunctive measures that the Plaintiff seeks and which we believe are appropriate and have been ordered in other cases. In the spirit of the Court's order, I invite Defendants to respond to our proposals and arrange a time to discuss them with me to see if we can reach agreement. We would need to reach agreement by March 24 (the middle of next week), to afford me adequate time to prepare briefing for the Court if there is no agreement. Please also let me know if Defendants want to make an offer to resolve the damages without necessity of a trial.

Very truly yours,

MACDONALD HOAGUE & BAYLESS

  
Jesse Wing  
Attorney

JW:ev